

**STATEMENT OF JONATHAN SNARE
ACTING ASSISTANT SECRETARY OF LABOR FOR OCCUPATIONAL
SAFETY AND HEALTH
BEFORE THE
SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES AND
EDUCATION
COMMITTEE ON APPROPRIATIONS
U.S. HOUSE OF REPRESENTATIVES**

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Mr. Chairman, Members of the Subcommittee:

Thank you for the opportunity to present OSHA's budget request for FY 2006 and describe the Agency's progress in assuring safe and healthy conditions for America's working men and women. The FY 2006 request for the Agency is \$467.0 million and 2,208 FTE, an increase of \$2.8 million over FY 2005. I am also pleased to be here today with the National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA). We continue to collaborate with our fellow agencies in a number of forums on behalf of worker safety and health. Last year, OSHA and NIOSH formed an Information Exchange Group that meets quarterly to ensure effective interaction between the agencies on emerging issues that impact workplace safety and health.

In FY 2006, OSHA will build upon the Administration's successful initiatives of the past four years. Our performance data show that these strategies are working. Both the rates of workplace fatalities, four deaths per 100,000 workers, and the injury and illness rate, five per 100 workers, are at the lowest levels in OSHA history. In

2003, there were 300,000 fewer injuries and illnesses than the previous year, a decrease of 7.1 percent. OSHA will continue to strive to keep these rates going down.

Even with this progress, OSHA has more work to do. Preventing on-the-job deaths among Hispanic workers has been a priority for the Agency since 2001 when the Department noted that fatalities among Hispanic workers were rising despite the fact that overall workplace fatalities were dropping. I am pleased to report that the Agency's focus has led to fatalities among Hispanic workers declining in 2003 for the second year in a row, and have fallen by 11.6 percent since 2001.

In FY 2006, OSHA's goal is to continue and extend efforts to help employers and employees reduce injuries, illnesses, and deaths on the job in the United States. This budget supports that commitment. Our balanced approach for American workers includes: strong, fair, and effective enforcement; outreach, education and compliance assistance; and partnerships and cooperative programs.

Strong, Fair, and Effective Enforcement

In FY 2004, Federal OSHA conducted more than 39,000 inspections. State OSHA plans conducted an additional 58,000 inspections. Federal OSHA's serious violations increased by three percent, and willful violations increased 12 percent, above the 2003 level. The Agency's site-specific targeting program (SST) and local and

national emphasis programs continue to be an effective tool for focusing the Agency on the most dangerous workplaces and hazards. We are in the process of augmenting the SST program for targeting enforcement resources by seeking feedback from the public. OSHA has also conducted over 300 inspections under its Enhanced Enforcement Program, which focuses on employers who ignore the legal obligation to protect their workforce. OSHA views an enhanced enforcement case as an indication that the employer may be indifferent to its OSH Act obligations. Therefore, when circumstances warrant, OSHA will inspect related worksites of the same employer to determine whether the compliance problems at the enhanced enforcement case site are indicative of a larger, company-wide problem.

To enhance the Agency's ability to measure the effectiveness of various OSHA programs, the FY 2006 request includes an additional \$1.0 million for improved data analysis and performance measurement. These funds will allow the Agency to initiate the development of predictive models to better estimate changes in workplace injuries and illnesses, which will enable the Agency to better evaluate and direct resources and provide a more timely response to areas that need immediate attention. OSHA has continued to work on improving its data-analysis capabilities in response to recommendations stemming from the Performance Assessment Rating Tool (PART) review, in which we received a rating of "adequate."

OSHA is also sharpening the focus of its resources in other program areas. The Agency will continue to list on the *Semi-annual Regulatory Agenda* only those items

that are actually being worked on, given available resources and considering all Agency priorities. For example, in the next 12 months, OSHA plans to issue proposed rules for electric-power transmissions and distribution in construction, general working conditions in shipyards, and explosives. In addition, we expect to publish final rules on assigned-protection factors for respirators and electrical safety.

Outreach, Education and Compliance Assistance

OSHA has consistently implemented and promoted training, education, and compliance-assistance programs to help produce healthier and safer worksites. In FY 2006, the Agency is seeking an increase of \$1 million for states operating state OSHA plans to expand their compliance-assistance programs. These leveraged funds, which require a match by our state partners, will enable states to add compliance assistance positions to bring in more Voluntary Protection Programs (VPP) sites, develop new cooperative agreements, and provide additional outreach.

OSHA also has several initiatives to reduce fatalities among Hispanic workers. Last summer, OSHA participated in DOL's first Hispanic Safety and Health Summit, at which the Agency's staff learned about the cultural, social and economic factors that impact the safety of the Hispanic workforce. In addition, the Agency has more than 200 bilingual staff, including compliance officers, to serve the Hispanic population, and has increased the number of inspections in industries with large numbers of Hispanic employees.

OSHA's Training Institute and its 19 sanctioned Education Centers throughout the nation continue to train and educate workers and employers, and OSHA's own staff. Through the Agency's outreach and education efforts, more than 300,000 workers received training last year and the number of students taking safety and health instruction increased by nearly 50 percent in the past five years. Compliance Assistance Specialists in OSHA's local offices also offer assistance to employers and employees tailored to the specific industries and businesses in their areas.

Partnerships and Cooperative Programs

In a report issued last March, the Government Accountability Office (GAO) noted that since OSHA can inspect only a small fraction of the Nation's worksites each year, voluntary strategies may provide important opportunities to extend the Agency's influence. GAO concluded that OSHA's voluntary compliance strategy shows promising results. In the past 12 months, OSHA has expanded each of its voluntary or cooperative programs. Firms in the VPP consistently have injury/illness rates that are less than one-half of other firms in their industries. Since 2001, we have expanded the VPP by more than 50 percent, and there are now more than 1,256 worksites in the VPP. In FY 2006, OSHA expects to add more than 200 VPP sites. In addition, the Agency is now developing a VPP for the construction industry to allow companies that were previously ineligible, such as subcontractors, contractors

with short-term projects, and employers with mobile workforces, to participate in this important program.

The Consultation Program continues to be one of the Agency's outstanding programs, and more than 31,000 consultation visits were conducted by the States in FY 2004. Consultation is a free service for small-business employers interested in receiving advice on locating and eliminating hazards in their workplaces. Employers who agree to remove all hazards and institute a comprehensive safety and health program at the worksite are eligible for the Agency's Safety and Health Achievement Recognition Program (SHARP), which provides a one-year exemption from routine OSHA inspections. Almost 800 employers are now enrolled in this program. SHARP sites are expected to increase by approximately 255 in FY 2006.

OSHA has also entered into more than 220 Strategic Partnerships with trade associations, unions, and other private-sector entities such as the Ford Motor Company and the Johnson and Johnson Corporation. In FY 2006, we expect to add 55 more strategic partnerships. These partnerships produce measurable results. For example, a partnership that includes OSHA's office in Calumet City, Illinois, and the AMEC Construction Management Company, Compliance Safety Advocates, Inc., and a number of subcontractors was formed in 2002 to address hazards associated with high-rise construction. As a result of this partnership, the total case incident rate of injuries for participating subcontractors declined from 9.1 injuries per 100 workers to

2.8 in just two years. This rate is 59 percent below the average for the industry sector.

Since the creation of the Alliance Program in March 2002, OSHA has established more than 270 Alliances with employers, labor unions, trade or professional groups, and educational institutions to work together to prevent injuries, illnesses, and fatalities in the workplace. Alliances focus on training, education, and outreach.

For example, OSHA has an ongoing alliance with the American Meat Institute (AMI). Through this alliance, OSHA and the AMI maintain and update a webpage on safety and health. OSHA and AMI held a workshop for OSHA staff to discuss hazards in the meat-processing industry and programs implemented by the industry to deal with these dangers. AMI also participated in developing a web-based training tool on ammonia refrigeration that is available on OSHA's website. These are typical activities resulting from an alliance. In FY 2006, the Agency expects to create an additional 80 alliances.

Mr. Chairman, OSHA's budget request is a continuing investment in traditional and innovative strategies that have produced declining injuries, illnesses, and fatalities for the American workforce. Our responsibility is to continue using this investment wisely to help protect employees in this nation and ensure that each and every worker returns home safely at the end of the day.